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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/471,577	12/23/1999	Lester F. Ludwig	VISN-007/03U	7628

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EXAMINER
ENG, GEORGE

ART UNIT	PAPER NUMBER
2643	21

DATE MAILED: 04/08/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action	Application No. 09/471,577	Applicant(s) LUDWIG, LESTER F.	
	Examiner George Eng	Art Unit 2643	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 13 March 2003 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

PERIOD FOR REPLY [check either a) or b)]

a) ☐ The period for reply expires _____months from the mailing date of the final rejection.

b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1.☒ A Notice of Appeal was filed on *13 March 2003*. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.

2.☐ The proposed amendment(s) will not be entered because:

(a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);

(b) ☐ they raise the issue of new matter (see Note below);

(c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or

(d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____.

3.☐ Applicant's reply has overcome the following rejection(s): _____.

4.☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).

5.☒ The a)☐ affidavit, b)☐ exhibit, or c)☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: *see attachment*.

6.☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.

7.☒ For purposes of Appeal, the proposed amendment(s) a)☐ will not be entered or b)☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: _____.

Claim(s) objected to: _____.

Claim(s) rejected: *1-3*.

Claim(s) withdrawn from consideration: _____.

8.☐ The proposed drawing correction filed on _____ is a)☐ approved or b)☐ disapproved by the Examiner.

9.☐ Note the attached Information Disclosure Statement(s)(PTO-1449) Paper No(s). _____.

10.☐ Other: _____

George Eng

George Eng
Examiner
Art Unit: 2643

1. Applicant's arguments filed 3/13/2003 (paper no. 19) have been fully considered but they are not persuasive.

In response to Applicant's argument on double patenting rejections, the double patenting rejections will be withdrawn when a proper Terminal Disclaimer is being filed.

In response to Applicant's argument on 112 2nd rejection, it appears that the term "and/or" clearly has an alternative meaning such that there are three conditions will be considered, i.e., (1) a plurality of user workstations including at least video and audio capture and reproduction capabilities, (2) a plurality of user workstations including video sink and display capabilities, and (3) a plurality of user workstations including at least video and audio capture and reproduction capabilities and video sink and display capabilities. Note while the term "and/or" does not positively identifying the claimed limitations. Thus, the claims are rejected under 112 2nd paragraph because it fails to particular point out and distinctly claim the subject matter. Although Applicant asserted that the specification covers all cases, the claim languages should be rewritten in a better form to positively identify the claimed limitations, i.e., the claimed may be rewritten as --a plurality of user workstation interconnected by the first premises network, and each of said plurality of user work station including one of at least video and audio capture and reproduction capabilities, video sink and display capabilities, and both at least video and audio capture and reproduction capabilities and video sink and display capabilities-- in order to clarify the claimed limitations. Furthermore, it would be helpful if Applicant pointed out in what section in the specification covering the above conditions.

In response to applicant's argument on Friedell that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., the

system is implemented in a wide area or public switched network) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

In response to applicant's argument that Friedell fails to teach the multimedia central office transceiving digital data signal, Friedell clearly to transport digital signals through the hub's CPU (col. 6 lines 41-59). Note while the claim fails to clearly define how to transceive audio, video and digital data signals. Thus, the broad claimed limitations are still be rejected by Friedell.

In addition, each hub connection with a plurality of workstations can be read as a first premise network, wherein the network connects to the hub which is further connected to another workstations by interconnecting with other hub as shown in figure 1 such that the interconnection between hubs can be determined as public digital network. Furthermore, Friedell clearly teaches the ability of the hub to combine captured video images of at least three users (col. 8 lines 10-47). Therefore, the rejection under USC 102 is maintained.

In response to applicant's argument that the examiner's conclusion of obviousness is based upon improper hindsight reasoning, it must be recognized that any judgment on obviousness is in a sense necessarily a reconstruction based upon hindsight reasoning. But so long as it takes into account only knowledge which was within the level of ordinary skill at the time the claimed invention was made, and does not include knowledge gleaned only from the applicant's disclosure, such a reconstruction is proper. See *In re McLaughlin*, 443 F.2d 1392, 170 USPQ 209 (CCPA 1971).

In response applicant's argument that neither Ng nor Kannes fails to disclose of a multimedia central office having the connected as claimed, it appears that Ng discloses a backbone structure of the claimed invention comprising a plurality of multimedia central offices, i.e., MCUs. Although Ng, does not specifically teach to combine video images into a mosaic image for reproduction, such limitations are taught by Kannes (see rejection above). The motivation of combining Ng with Kannes is to reduce tremendous equipments cost by using one display means for displaying the mosaic images.

In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., the output of terminals converted to a long distance communication via a switched network) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).